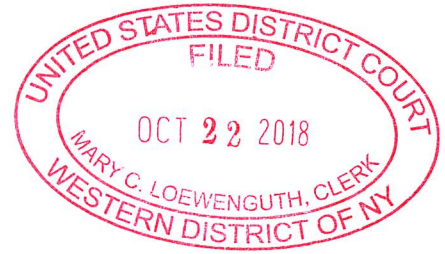


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

DECISION AND ORDER

v.

1:18-CR-0004 EAW

JARON RUTH,

Defendant.

Defendant Jaron Ruth (“Defendant”) is charged in a five-count Indictment returned on January 3, 2018, with various crimes related to drug-trafficking and the unlawful use and possession of firearms, including one count of violating 18 U.S.C. § 924(c)(1)(A)(iii) and 924(j)(1) (discharge of firearm causing death). (Dkt. 1). This Court referred all pretrial matters in the case to United States Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1)(A)-(B). (Dkt. 8).

On June 11, 2018, Defendant filed omnibus pretrial motions, including a motion to suppress statements arising from an April 5, 2016, interview conducted with law enforcement in the Orleans Correctional Facility. (Dkt. 28). On October 1, 2018, Judge McCarthy issued a thorough Report and Recommendation recommending that Defendant’s motion to suppress be denied. (Dkt. 39).¹

¹ Judge McCarthy also issued an Order granting the Government’s cross-motion for reciprocal discovery and he noted that the remaining portions of Defendant’s pretrial

Pursuant to Fed. R. Crim. P. 59(b)(2) and 28 U.S.C. § 636(b)(1)(C), Defendant had 14 days after being served a copy of the Report and Recommendation to file objections. No objections were filed.

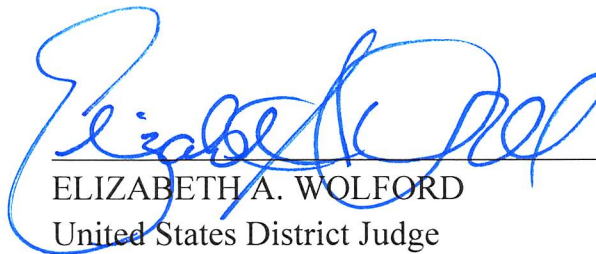
The Court is not required to review *de novo* those portions of a report and recommendation to which objections were not filed. Fed. R. Crim. P. 59(b)(2) (“Failure to object in accordance with this rule waives a party’s right to review.”); see *Molefe v. KLM Royal Dutch Airlines*, 602 F. Supp. 2d 485, 487 (S.D.N.Y. 2009) (to trigger the *de novo* review standard, objections to a report and recommendation “must be specific and clearly aimed at particular findings in the magistrate judge’s proposal”).

Notwithstanding the lack of objections, the Court has conducted a careful review of the Report and Recommendation as well as all related filings and finds no reason to reject or modify the Report and Recommendation. Therefore, the Court accepts and adopts the Report and Recommendation. (Dkt. 39). For the reasons set forth in the Report and Recommendation, this Court denies Defendant’s motion to suppress statements arising from an April 5, 2016, interview conducted with law enforcement in the Orleans Correctional Facility. (Dkt. 28).²

motions had been resolved at the August 24, 2018, oral argument. (Dkt. 39 at 1 n.2 & 3-4).

² Judge McCarthy noted that the Government agreed not to proffer as part of its case-in-chief any portion of the interview after Defendant invoked his right to counsel. (Dkt. 39 at 3 n.3).

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: October 22, 2018
 Rochester, New York